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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,130	03/05/2001	Dieter Dohring	TURKP0113US	4010

23908 7590 07/19/2005

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EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/19/2005

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/647130

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071205

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Commissioner for Patents

In response to the "Order Returning Undocketed Appeal to Examiner", Wertz was initially applied in the Response to Argument section of the Examiner's Answer to further support the examiner's position, as set forth in the Final Rejection, that it is well known in the decorative lamination industry that top sheets or overlays can have a wide variety of fibrous forms (Paragraph 4). In this instance, MPEP 1208.01 states, "where a newly cited reference is added merely as evidence of the prior well known statement made by the examiner, the citation of the reference in the examiner's answer would not constitute a new ground of rejection within the meaning of 37 CFR 1.192 (a)(2) [see also MPEP 2144.03]. Thus, the reliance on Wertz in the Examiner's Answer mailed on December 1, 2004 is not seen to create a new grounds of rejection.

The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.



Justin Fischer

July 12, 2005

  
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